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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)
0942.2570003

In re Application of: James L. Hartley

Application No.: 09/666,890

Filed: September 20, 2000

For: Nucleic Acid Marker Ladder for Estimating Mass

The owner*, Invitrogen Corporation, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,834,201. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer

Check either box 1 or 2 below, if appropriate

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.


Signature

7/25/01
Date

Alan W. Hammond
Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

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Certificate Under 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: James L. Hartley

Application No./Patent No.: 09/666,890 Filed/Issue Date: September 20, 2000

Entitled: Nucleic Acid Marker Ladder for Estimating Mass

Invitrogen Corporation, a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: James L. Hartley To: Life Technologies, Inc.
The document was recorded in the Patent and Trademark Office at
Reel 6917, Frame 0204, or for which a copy thereof is attached.
2. From: Life Technologies, Inc. To: Invitrogen Corporation
The document was recorded in the Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached.
3. From: To:
The document was recorded in the Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

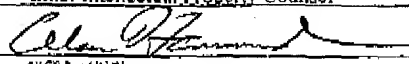
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: 7/25/01

Name: Alan W. Hammond

Title: Chief Intellectual Property Counsel

Signature: 

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DO NOT FORWARD
TO ASSIGNMENT BRANCH
NOT FOR RECORDATION

Atty. Docket: 0942.2570000

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned: James L. HARTLEY, the undersigned hereby sell(s) and assign(s) to Life Technologies, Inc. (the Assignee) the entire right, title and interest

check applicable box(es)

- ☒ for the United States of America (as defined in 35 U.S.C. § 100),
☒ and throughout the world,

in the invention(s) known as NUCLEIC ACID MARKER LADDER FOR ESTIMATING MASS for which application(s) for patent in the United States of America has (have) been executed by the undersigned on October 27, 1993 (also known as United States Application Serial No. (to be assigned)), filed (to be filed), in any and all applications thereon, in any and all Letters Patent(s) therefor, and in any and all reissues, extensions, renewals, reexaminations, divisions and continuations of such applications or Letters Patent(s) to the full end of the term or terms for which such Letters Patent(s) issue, such entire right, title and interest to be held and enjoyed by the above-named Assignee the same as they would have been held and enjoyed by the undersigned had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the application(s) and any continuing, divisional, reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning the application(s) or any continuation, division, reissue or reexamination thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The undersigned hereby covenant(s) that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict therewith.

The undersigned hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; Samuel L. Fox, Esquire, Registration No. 30,353; David K. S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831 and Michele A. Cimbala, Esquire, Registration No. 33,851 of STERNE, KESSLER, GOLDSTEIN & FOX, 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date: 10/27/93 Signature of Inventor: James L. Hartley
James L. HARTLEY

State of Delaware
Office of the Secretary of State

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"LIFE TECHNOLOGIES, INC.", A DELAWARE CORPORATION,
WITH AND INTO "INVITROGEN CORPORATION" UNDER THE NAME OF
"INVITROGEN CORPORATION", A CORPORATION ORGANIZED AND EXISTING
UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED
IN THIS OFFICE THE THIRTEENTH DAY OF SEPTEMBER, A.D. 2000, AT
4:30 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF
THE AFORESAID CERTIFICATE OF MERGER IS THE FOURTEENTH DAY OF
SEPTEMBER, A.D. 2000.



Edward J. Freel
Edward J. Freel, Secretary of State

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AUTHENTICATION: 0679689

DATE: 09-18-00

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NO. 157 002

CERTIFICATE OF MERGER
MERGING
LIFE TECHNOLOGIES, INC.
INTO
INVITROGEN CORPORATION

Pursuant to Section 251 of the
General Corporation Law of Delaware

The undersigned corporation, organized and existing under and by virtue of the General Corporation Law of the State of Delaware, does hereby certify:

FIRST: That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

Name	State of Incorporation
Life Technologies, Inc.	Delaware
Invitrogen Corporation	Delaware

SECOND: That an agreement and plan of merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251 of the General Corporation Law of the State of Delaware.

THIRD: That Invitrogen Corporation, a Delaware corporation, shall be the surviving corporation of the merger and its certificate of incorporation shall be the certificate of incorporation of the surviving corporation.

FOURTH: That the executed agreement and plan of merger is on file at the principal place of business of the surviving corporation. The address of the principal place of business of the surviving corporation is 1600 Faraday Avenue, Carlsbad, CA 92008.

FIFTH: That a copy of the agreement and plan of merger will be furnished by the surviving corporation, on request and without cost to any stockholder of any constituent corporation.

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SENT BY:

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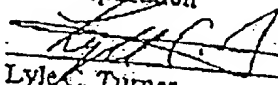
SIXTH:
September 14, 2000.

That this Certificate of Merger shall be effective at 3:00 p.m. on


Dated: September 13, 2000

Invitrogen Corporation,
a Delaware corporation

By:


Lyle C. Turner
President and CEO

ATTEST:


James R. Glynn
Executive V.P. and CFO

Copy CertAGTN6200403.1
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